

AFFIDAVIT
of
[REDACTED]
Special Agent
Drug Enforcement Administration

1. I, [REDACTED] being first duly sworn, do depose and state that I am a Special Agent with the Drug Enforcement Administration (DEA). As such, I am an investigative and law enforcement officer of the United States authorized to conduct investigations of, and to make arrests and seizures for, offenses enumerated in the "Controlled Substances Act," Title 21, United States Code.

2. Your affiant has been a sworn law enforcement officer for 13 years. I have received specialized training and attended numerous seminars presented by DEA relating to the manufacture, distribution and/or possession with the intent to distribute controlled substances. From my training and field experience, I have extensive knowledge of complex illegal drug distribution and/or manufacturing organizations.

3. Affiant states that based upon my training, I know that cocaine is a Schedule II controlled substance, and that the manufacture, distribution or possession with intent to distribute cocaine is a violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A).

4. The following information is based upon affiant's personal knowledge and investigation in this case, as well as information provided by Drug Enforcement Administration (DEA) Task Force Officer (TFO [REDACTED])

5. On January 28, 2006, at approximately 9:15 a.m., Missouri State Highway Patrol (MSHP) Commercial Motor Vehicle Officers (CMV) [REDACTED] stopped a 2000 Freightliner tractor-trailer unit bearing California registration UP48445, traveling east

bound on Interstate-44, at the eighty-eight mile marker, for a routine compliance check. During the course of their traffic stop, they identified the driver as Cruz German **MARTINEZ** and the passenger, and registered owner of the tractor-trailer unit, as Roberto **GRIJALVA**. Officers [REDACTED] became suspicious of **MARTINEZ** and **GRIJALVA**'s travels after inspecting their log books and noticing several days of downtime before and after dropping off their freight. Officer [REDACTED] further questioned **MARTINEZ** and **GRIJALVA** about their downtime and received conflicting stories. Officers [REDACTED] then called for assistance from a uniformed member of the MSHP to further the traffic stop.

6. MSHP Corporal [REDACTED] K-9, "Uvan," arrived at the traffic stop and assisted Officers [REDACTED] Cpl. [REDACTED] asked for and received consent to search the trailer unit and its contents from **GRIJALVA** and **MARTINEZ**. Upon inspecting the interior reefer unit, Cpl. [REDACTED] observed silver metallic like package secreted behind the sheet metal of the reefer unit. Cpl. [REDACTED] retrieved the package for further inspection. The vacuum-sealed, aluminum foil package, contained a cellophane and duct taped "brick" of white powder, consistent with that of cocaine.

7. Cpl. [REDACTED] then conducted a K-9 sniff of the exterior of the trailer, near the reefer unit. K-9 "Uvan" alerted to a drainpipe on the bottom side of the trailer. The drainpipe was connected to the reefer unit to allow condensation from inside the trailer to escape through the bottom of the trailer. Cpl. [REDACTED] then placed both **MARTINEZ** and **GRIJALVA** under arrest and read them their *Miranda* rights. **MARTINEZ** and **GRIJALVA** were transported, along with the tractor-trailer to MSHP Troop D Headquarters in Springfield, Missouri.

8. At Troop D Headquarters the sheet metal covering the interior portion of the reefer unit was removed and 119 additional packages of suspected cocaine were removed from the wall

of the trailer, bringing the total number of packages to 120. A portion of the packages were opened and were found to be wrapped in the same manner as the first package that was seized from the trailer. Several of the packages were weighed and all consistently weighed two and two tenths of a pound, or in street terms a “kilo”. The white powder from the first package was field tested and tested positive for the presence of cocaine.

9. At approximately 10:44 a.m., TFO [REDACTED] conducted an interview of **GRIJALVA**. TFO [REDACTED] read **GRIJALVA** his *Miranda* rights and **GRIJALVA** signed Miranda waiver form. During the course of the interview **GRIJALVA** stated the following:

a. **GRIJALVA** stated he was aware there was cocaine in his trailer. **GRIJALVA** stated that several months ago he was introduced to a Hispanic male, known to him as “GATO.” **GRIJALVA** stated “GATO” was from the Los Angeles, California area, but **GRIJALVA** believed “GATO” spent most of his time in Tijuana, Mexico. **GRIJALVA** stated “GATO” offered him money to transport the cocaine from the Los Angeles, California, area to the New York, New York, area. When asked if **GRIJALVA** knew specifically what type of drug he was hauling, **GRIJALVA** stated he knew it was cocaine and that “GATO” did not deal in anything else.

b. **GRIJALVA** stated he made his first trip approximately a week and a half ago. **GRIJALVA** stated he was contacted, via cellular phone, by “GATO” and was told where to meet “GATO”. **GRIJALVA** stated after they met, two Hispanic males took his tractor-trailer unit and returned it several hours later. **GRIJALVA** stated he arranged to pick up a legitimate load in Fontana, California, that was destined for the east coast. **GRIJALVA** stated that he took the load (of soap products) to the Trenton, New Jersey, area. Once in New Jersey, **GRIJALVA** stated he was contacted by “GATO” and advised to go to Borden Town, New Jersey, after he dropped off the legitimate load. **GRIJALVA** stated when he arrived at a truck stop in Borden Town, New

Jersey, he was met by two Hispanic males and two Puerto Rican males. **GRIJALVA** stated the men arrived in a small mini-van, picked up his tractor-trailer and left him at the truck stop. **GRIJALVA** stated during this trip, **MARTINEZ** was also present with him. **GRIJALVA** stated approximately four to five hours later the men returned his tractor-trailer to him. **GRIJALVA** stated he then obtained a load of tooth brushes and toothpaste for transport to Fontana, California. **GRIJALVA** stated when he arrived in Fontana, he was again contacted by “GATO” and advised where to go after dropping off his load. **GRIJALVA** stated he went to a truck stop and was met by a younger Hispanic male and was given twenty thousand (\$20,000) dollars in United States Currency for making the trip. **GRIJALVA** stated out of that money, he paid **MARTINEZ** nine hundred dollars (\$900.00) for helping him drive.

c. **GRIJALVA** stated he left the tractor-trailer unit at the truck stop after being paid and received a ride back to his home in Mexicali, Mexico. **GRIJALVA** stated “GATO” contacted him on January 24, 2006, and advised the trailer was ready and that he could pick it up. **GRIJALVA** stated “GATO” had extra keys made of his truck, which allowed him to get the truck and re-load it with cocaine. **GRIJALVA** stated “GATO” advised him to get a legitimate load to the New York area. **GRIJALVA** stated he arranged to pick up a load of tortilla shells that was destined for Brooklyn, New York.

d. **GRIJALVA** stated he picked the truck up on January 26, 2006, and loaded it with the tortilla shells. **GRIJALVA** asked **MARTINEZ** to go along on this trip and had agreed to pay him nine hundred dollars (\$900.00). **GRIJALVA** stated he was instructed by “GATO” that on January 31, 2006, “GATO” would call **GRIJALVA** and advise him where to meet someone after **GRIJALVA** dropped off the load of tortilla shells.

e. **GRIJALVA** stated that he had never directly told **MARTINEZ** what they were hauling but that he knew it was illegal. **GRIJALVA** stated that **MARTINEZ** knew he was getting nine hundred dollars (\$900.00) again and that he would not get paid until they returned to the Los Angeles area.

10. **GRIJALVA** signed the Miranda form and later provided the information described above in a video taped interview.

11. On January 28, 2006, Special Agent [REDACTED] interviewed **MARTINEZ** in regards to his involvement with the cocaine. During the interview **MARTINEZ** denied any knowledge of illegal drugs in the tractor-trailer unit. **MARTINEZ** further denied knowing what he was doing was illegal.

12. **GRIJALVA** is described as Roberto **GRIJALVA**, DOB: XXXXXXXXXXXX, 1959, Social Security Number XXX-XXX-XXXX, Height 5'06", Weight 170 lbs., Address: XXXXXXXX, Mexico. **GRIJALVA** a claims United States citizenship as a result of being born in the United States.

13. **MARTINEZ** is described as Cruz German **MARTINEZ**, DOB: XXXXXXXXXX, 1963, Social Security Number XXX-XX-XXXX, Height 5'07", Weight 230 lbs., Address: XXXXXXXX, XXXXXXXX, Arizona 85364.

14. Based upon my training and experience, the amount of cocaine seized represents a distribution amount.

[REDACTED]
Drug Enforcement Administration

Subscribed and sworn to before me in my presence on this 30th day of January, 2006.

/s/ James C. England
HONORABLE JAMES C. ENGLAND
United States Magistrate Judge